

REMARKS

Claims 1-26 and 57-94 are pending. Reconsideration of this application is respectfully requested in light of the remarks herein.

The Office Action includes a rejection of claims 1-26 and 57-94 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,374,177 ("Lee"). This rejection is respectfully traversed.

Independent claim 1 recites a method for communicating data content. The method comprises communicating broadcast information to a receiver via digital radio broadcast; receiving information regarding one or more actions entered in a man-machine interface of said receiver and tracking said one or more actions, said one or more actions associated with data content of interest; accumulating said information regarding said one or more actions until a predetermined threshold associated with said actions is reached, and after reaching said threshold, communicating a request for said data content of interest.

In contrast, Lee does not disclose the recited combination of features. As an initial matter, Lee is directed to an internet-based radio for portable applications, such as in a vehicle, that provides navigational services via wireless communication and that also provides customized information such as stock quotes, travel information, advertising, and e-mail. (Abstract of Lee.) Fig. 2 of Lee illustrates a diagram of a vehicle multimedia receiver, and Fig. 3 of Lee illustrates a system diagram of an internet gateway network that supports communication to vehicle receivers. Col. 11, lines 1-15 cited by the examiner describes the Internet gateway network 30 illustrated in Fig. 3 of Lee. The Internet gateway network 30 maintains a database management system to control several system databases including a broadcaster relational database containing information about audio broadcasts that can be received by a vehicle 184. As noted at col. 10, lines 49-51 of Lee, the gateway 30 serves as an Internet service provider to vehicles 184 through various forms of wireless transmission. The examiner evidently recognizes that col. 11, lines 1-15 of Lee does not disclose the claimed subject matter of accumulating information regarding one or more actions entered in a man-machine interface of a receiver until a predetermined threshold associated with said actions is reached, and after reaching said threshold, communicating a request for said data content of interest.

The examiner cites col. 11, lines 16-34 of Lee for allegedly disclosing the claimed subject matter of accumulating information regarding one or more actions entered in a man-machine interface of a receiver until a predetermined threshold associated with said actions

is reached, and after reaching said threshold, communicating a request for said data content of interest. Applicants respectfully submit that Lee does not disclose this subject matter. Rather, this section of Lee disclose that a user can press a "BUY" or "INFO" button to purchase a product or get more information about a product while in the vehicle 184, and that doing so transmits to the gateway network 30 the location of the vehicle 184, the date and time of the button press, and the channel selected. The advertised item is then looked up in a database, and the user is charged for delivery or sent more information about the product. (Col. 11, lines 16-28 of Lee.) In addition, this section of Lee discloses that in an alternative embodiment, enhanced advertising information for short periods of time can be pushed to multimedia device 20 at set intervals from the Internet gateway 30, such that only those ads offering immediate purchase or additional information will show indicators for such actions. (Col. 11, lines 28-34 of Lee.) Lee's periodic push of advertising information from the Internet gateway 30 has nothing to do with accumulating information regarding one or more actions entered in a man-machine interface of a receiver until a predetermined threshold associated with said actions is reached, and after reaching said threshold, communicating a request for said data content of interest. Rather, Lee's pushes of advertising information are evidently under complete control of the Internet gateway 30 and are not dependent upon user actions whatsoever. Accordingly, there is no disclosure in this section of Lee of accumulating information regarding one or more actions entered in a man-machine interface of a receiver until a predetermined threshold associated with said actions is reached, and after reaching said threshold, communicating a request for said data content of interest. Moreover, the claimed combination of features is not found elsewhere in Lee. Independent claims 57 and 76 are similarly distinguishable over Lee. For at least the above-noted reasons, withdrawal of the rejection and allowance of claims 1, 57 and 76 are respectfully requested.

Independent claim 16 recites a method for requesting data content. The method comprises receiving broadcast information at a receiver via digital radio broadcast; rendering said broadcast information using a man-machine interface; tracking one or more actions entered in said man-machine interface relating to said rendered broadcast information, said actions associated with data content of interest; and after a predetermined threshold associated with said actions is reached, communicating a request for said data content of interest. Independent claim 16 is distinguishable over Lee at least because Lee does not disclose tracking one or more actions entered in said man-machine interface relating to said

rendered broadcast information, said actions associated with data content of interest, and after a predetermined threshold associated with said actions is reached, communicating a request for said data content of interest, at least for reasons such as discussed above in connection with claim 1. Independent claims 68 and 87 are similarly distinguishable over Lee. For at least the above-noted reasons, withdrawal of the rejection and allowance of claims 16, 68 and 87 are respectfully requested.

The remaining dependent claims depend variously from independent claims 1, 16, 57, 68, 76 and 87. Accordingly, the dependent claims are allowable at least by virtue of dependency, and their allowance is respectfully requested.

Moreover, various dependent claims recite subject matter not found in Lee. For example, regarding claims 10 and 11, contrary to the examiner's suggestion, Lee does not disclose at col. 11, lines 16-34 delivering data content of interest on an article of manufacture (claim 10) or that the article of manufacture is any of a CD-ROM, DVD, magnetic tape, optical disc, hard drive, floppy disk, ferroelectric memory, flash memory, ferromagnetic memory, optical storage, charge coupled devices, magnetic or optical cards, smart cards, EEPROM, EPROM, RAM, ROM, DRAM, SRAM, or SDRAM (claim 11). Rather, that section of Lee simply refers to a "product" and does not say what the product is. In addition, regarding claims 12, 15, 24, 67, 73, 86 and 92, contrary to the examiner's suggestion, Lee does not disclose at col. 11, lines 1-15 broadcasting using in-band on-channel digital radio broadcast. Rather, that section of Lee simply refers to "new digital broadcasters such as satellite radio." Further, regarding claims 13, 25, 65, 74, 84 and 93, contrary to the examiner's suggestion, Lee does not disclose at col. 11, lines 16-34, that the predetermined threshold is either a threshold indicating either number of actions to be recorded before placing said electronic order, or a threshold indicating either a download time limit or content size, before placing said electronic order. As discussed above with regard to claim 1, that section of Lee does not disclose thresholding whatsoever regarding information stemming from actions entered at man-machine interface of a receiver. Moreover, regarding claims 14, 26, 66, 75, 85, and 94, contrary to the examiner's suggestion, col. 6, lines 21-32 of Lee does not disclose that the threshold is modifiable over a network. Rather, that section of Lee states that a user can customize the way audio broadcasts and personal information service channels are organized in the vehicle's multimedia device 20, that a user can request new personal information services to be downloaded, that the user can retrieve information from the gateway 30 which the user has

stored there from the vehicle 184, and that the user can access custom profile and billing information. There is nothing in that section that pertains to a predetermined threshold as claimed (for reasons discussed with regard to claim 1) nor modifying such a threshold over a network. Should the examiner seek to maintain these rejections, the examiner is respectfully requested to point out exactly where in Lee the claimed subject is allegedly found.

In light of the above, withdrawal of the rejections of record and allowance of this application are respectfully requested. Should there be any questions in connection with this application, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below.

Respectfully submitted,

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